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State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
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ENTERED



PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 11, 2001

Mr. Dave Paulson
Environment, Health and Safety
Philips Semiconductors
9201 Pan American Frwy, NE
M/S 02
Albuquerque, NM 87113

**RE: CONTAINED-IN DETERMINATION FOR PURGE WATER FROM
SAMPLING OF GROUND WATER MONITORING WELLS**

Dear Mr. Paulsen:

The Hazardous Waste Bureau (HWB) has reviewed your request to discharge purge water to the ground at the locations of ground water monitoring wells during sampling activities. The wells covered under this request include three existing and three future Philips Semiconductor monitoring wells (MW-1, MW-2, MW-4, MW-5, MW-6, and MW-7) and eight City of Albuquerque wells (NCLF-2, NCLF-3, NCLF-4, NCLF-5, NCLF-6, NCLF-7, NCLF-8, and NCLF-9). Under RCRA, a determination under the "contained-in" policy will allow for this discharge. **However, this determination is dependent upon the determination by the NMED Ground Water Quality Bureau (GWQB) that no discharge plan is required in response to a Notice of Intent (NOI) to dispose of the water in this manner, and this letter does not constitute approval of this activity without the accompanying determination from GWQB.**

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Under the contained-in policy, HWB has the discretion to make a case-specific "contained-in" determination that the environmental media need not be managed as hazardous waste if the hazardous constituents in the media are below health-based levels for direct exposure to the media and the media does not exhibit a characteristic. After reviewing the facility sampling data and following US EPA guidance for "contained-in" determinations, HWB has determined that the purge water generated will not need to be handled as hazardous waste as long as the concentration of tetrachloroethylene (PCE) remains under the WQCC standard of 20 µg/L. The only hazardous constituent of concern detected consistently above drinking water standards in the samples from these wells is tetrachloroethylene (PCE). The concentrations of tetrachloroethylene (PCE) in the purge water from the sampling results from the wells for the last 16 quarters range from less than 1 µg/L to 11 µg/L. These concentrations do not represent an excess risk based on potential direct exposure to the purge water by individuals conducting the sampling or other potential receptors at the site. Development water and purge water from the future wells is included provided that analysis of development water and initial sampling water from these wells show that the concentrations of tetrachloroethylene (PCE) in these wells are also below the WQCC standard of 20 µg/L.

This contained-in determination is limited to the contaminated environmental media that is generated as a result of these sampling and well development activities. Although this letter is not a determination of whether land disposal restrictions would apply to this purge water, the reported maximum concentrations to date are also below the land disposal restrictions (LDR) treatment standard of 56 µg/L in wastewater given in 40 CFR 268.48, therefore additional treatment prior to land disposal is not required. If you have any questions regarding this matter, please call me at (505) 827-1557.

Sincerely,

Kirby S. Olson
Environmental Specialist
Hazardous Waste Bureau
KSO:kso

cc: Stephanie Kruse, Supervisor, HWB
John Kieling, Program Manager, HWB
James P. Bearzi, Chief, HWB
Susan von Gonten, GWQB